App. F. IX-4.

1925.

File No. 135-25

Previous references.
S & A 16-22 (3 & 5)
" 17-23-5

(Courts)

Serial Nos. 1-2, 6

PRESERVED

Later references.
F 41-28-22. 29. 30—

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for November 1926

SUBJECT

Question of exempting the members of Council and the judges of the Chief Court of Mysore from the operation of Art 5-96 A. M. S. R

G.O. No. P 3998-9 Dt 16-2-26 to the Regr Chief Court & Comptroller.

Directs that the members of the Council and the Judges of the Chief Court of Mysore be exempted from the operation of Art 5-96 A. M. S. R.

Manasavanny Iyengar
5/11/26.

G. R. S. III-1]

1925-6

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 135-25

FILE HEADING.

Sanction under Art 596 A M.S.R for road marches exceeding 50 miles a day.

From

The Regr. Civil Court

Regr. No. 605 Dated 13-11-25. Received 14-11-25.

Diary No. 2068] Enclos. Spare Copies. [Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the bill for the road journey of 80 miles to Chickballapur and back to Bangalore performed by the Civil Judge for the inspection of the Chickballapur Munsiff's Court has been returned for sanction of Govt. under Art 596 A M.S.R even though a certificate was appended as required by Art 535(8). and requests an interpretation whether in cases covered by Art 535(6) sanction of Govt is required under Art 596 A and if so that the Chief Court Judges may be exempted from the operation of the Article and that the present journey may be sanctioned pending consideration of the general question.

NOTES AND ORDERS.

Art 535 (8) M.S.R refers to road marches generally between places connected by railways

Art 596 A M.S.R refers to road marches performed exceeding 50 miles a day. No

NOTES—First Sheet.

806

Serial No

Distance to Chikballapur from Bangalore is 40 miles. The Chief Judge had gone to Chikballapur and returned the same day in his car thus covering a distance of 80 miles. As this exceeds 50 miles, sanction of Govt is necessary.

2) As regards the authoritative ruling that is required whether Art 535 (f) in all cases covered by Art 535 (f) M.S.R. sanction of Govt is required under Art 596 A the Chief Court may perhaps be informed that Art 535 (f) refers to cases when the road journey performed is 50 miles and less where for the same place we have railway connection. The Financial Secty may perhaps be Consulted

CS 17/11/25

3) It seems to be clear that the rule contained in Art 596 A applies also to cases falling under Art 535(f). If this is held to be the correct interpretation, the Judges of the Chief Court ask for exemption from the operation of the former article, as in the case of the Chief Electrical Engineer

4) The journey in question may perhaps be sanctioned first, & then the general question considered.

Asst 19/11

5) Fin Secty may be consulted

Allsop

CAG 19.11

R 1314/25

6) Yes 19/11

Fin Secty

CAG 23/11

Serial No

71314

1) Art 535 f. empowers the Audit office to reject claims for road marches between places connected by Railway if the Audit office does not consider the justification urged for as sufficient'. It is not clear if the present claim is disallowed on this ground or under art 596 A, perhaps both. The disallowance memo is not enclosed. The Registrar states that the claim is disallowed under art 596 'A' as the journey exceeded 50 miles. The details of the timings of the journey are not given

8) The Registrar wants an authoritative interpretation whether art 596 A. can be applied to cases covered by art 535 (f). It is not clear why there should be any doubt at all. Art 535(f) deals with 'claims for journeys by road between Stations Connected by Railway' while 596 A deals with journeys by Road exceeding 50 miles on any one day. Art 596 'A' certainly applies to all journeys by road exceeding 50 miles even though they come under art 535 (f)

3) The Regr. States that if art 596 'A' does apply the 'Judges of the Chief Court' may be exempted from the operation of the rule just as the C. E. E.

4) It looks as though this is sought for to enable motor journeys being performed as a matter of course between places connected by rail & even with out the 50 mile limit. This has perhaps to be resisted. It might be added that the privilege of 'road marches between Stns Connected by Railway' may perhaps be restricted to cases where the Railway timings are manifestly inconvenient. Exigencies of Service for road marches exist always. only it is a question of degree.

For orders

Asst Secy

B

1) Please get a copy of Compilers' Rules

Mrs 2/12/25

Asst Secy

Note—Contn. Sheet

G. R. S. III-2]

General and Revenue Secretariat.

CS File No. 135 of 19 25-25

Serial No.	
1)	Dft. put up CS 7/12. 25) Done Br 4/12
	H. 3161 dt 5/12/25 — Chief Court requests him to forward a copy of the Comptr's Objection Memo
	bearing dt 7/12/25 — from the Chief Court — forwards copy of the objection statement
14)	Submd with reference to para 11 Supra. Fin. Secy's note dt 2/12/25 CS 14/12.
	Fin. Sec: CS 15/12.
15)	The present claim may be 5d. Art 56 A applies to Judges of the Chief Court also. These officers made the occasion for these officers making road journeys are not many and the permission asked for may I think be given. 17-12-25
16)	Submd with reference to para 6
17)	Draft Sanctioning, as well as another exempting the Judges from the operation of S. 56 A may be put up CS 17.12.25
	Done 20/12
	CS 22/12

NOTE—Contn. sheet.

Serial No

18) Lrd with drafts directed. Please put up a clean copy of the first draft & as regards the second, please bring up

19) Same with typed copies of new drafts.

20) Drafts may perhaps be approved. Govt Secy has agreed to the exemption

21) Draft I appr & may be issued as one

22) As regards the general question the Govt may in consultation with Govt as to the circumstances under which the Chief Electoral Officer was Exempted from the operation of Sec 96(A)

The question which the Exemption was granted may be put up for Govt

whether Except the C.E.Officer any other officer (employed) the members of committee & granted such Exemption

23) Attn be issued accordingly

ISSUE & RESUBMIT.

Issue returned

Note—Contn. Sheet

Serial No

H 1693/25

24) The H Secty agrees that the present claim may be sanctd (Page 4.)

Subd with Dft & fair copies

Bz 5/1/26 Bz 5/1

25) To The Capitalist

H 3790/dated 5-1-26

2 - To the Regr Civil Court

Comptroller

Govt P. 3311-2 dt 4-1-26

Accords sanction to the road journey performed by the Civil Judge on 15-10-25.

Subd

26) This may be sent to the H. Secty for kindly putting up the files and for furnishing the information required by the Member - (Ref para 22 above) Yes

Car 6.1

Mr Nair 7/1/26

B 6/1/26 Amr 6/1 (Fwd Bz)

27) The file reqd is put up. The exemption referred to has been granted only in the case of the C. E. E.

Bz 9/1

Pothen Bz)

GS 9/1

28) Subd with reference to para (22) above

1st Member)

Car 12.1

B 11/1/26 Amr 11/1

290 12.1

Note—Contn. Sheet

2058

G. R. S. III-2]

General and Revenue Secretariat. | Cb | File No. 135 of 19 25

Serial No.

29) I have no objection to a general exemption being granted in favour of the Chief Justice & the Judges of the High Court. It does not however, seem that the members of Council also may be similarly exempted, as the financial secretary appears to think. A draft order may be put up accordingly for signature.

Submitted to Dewan

13/1

13.1 Cay 13.1

FINAL 13 JAN. 1926 Fc 781/25

Fin Secy)

763

Fin Secy)

30) The members of Council may also be exempted. Cmar 20-1-26

In Book Draft may be put up as directed by the Dewan 20/1

31) Submitted with draft. Reference para 29.

Dewan) 21/1/26 21/1 12/2 Cay -21.1

DEWAN'S OFFICE RECD. ON 22 JAN. 1926 Reg. No. 5241

Issue may 13/2

Fc 2134/25

Sub'd with Draft & Fair Copies — Please see para 2 of the order.

A + C slips to M&R are issued in the Fc Branch + not by the Comptroller — As such, may the order issue as it stands?

NOTE—Contn. sheet.

Serial No.

Para (2) of the order requires modification

(endorsed with Compliment)

Sd/-

The second para of the order may be changed as follows if approved. Art 39 b A will be modified ~~Necessary correction Notn will be issued to~~ the M.L.R accordingly.

Typed the fair copies of the order will be got retyped with the above alteration. Yes

18/2/26 Art 39/-

23/-

May the order issue now?

Sd/- 26/2/26

To, the Registrar, High Court dated 1/3/26

6 To the Regtr Chief Court
The Comptr thro' Dy Secy
no 3998-9 Sd/- 16/2/26
-3-

Directs that the members of the Executive Council of H.H the Maharaja & the Judges of the Chief Court be exempted from the operation of the rules requiring sanction of Govt for road marches exceeding 50 miles a day.

Sd/-

This may be sent to M Branch for issue of the necessary corrections slip. It does not seem necessary to send multiple as a copy of the G.O is already in the F.P.

8/3/26 Sd/- 8/3

FINANCIAL SECRETARIAT 8 MAR 1926

Note—Contn. Sheet

General and Revenue Secretariat

Courts File No. 135- of 1925

Serial No

R 2154/25

C&I 135-25. 6

A & C Slips have been issued. This file may be returned to the Protection Branch for being recorded.

AP 29/x. Vide A&C Slip No 5481.6.26

AK. 1.11.26

1/11

3/11

20222

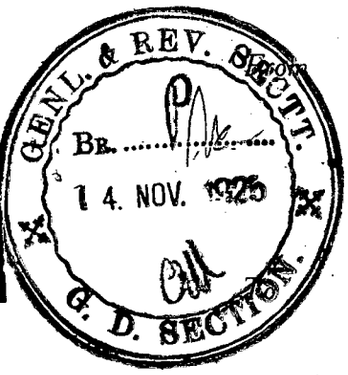
2058
P 925

Telgm:
"JUSTICE" URGENT.

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 13th November 1925

R. O. C. No. 605
Dis. 25-26

No. 135-25-1



14/11
14/11

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. N A G A P P A, Esq., Bar-at-Law
Secretary to Government,
Local & Legislative Departments.

Sir,

I am directed to state that Mr. Justice R. B. Plumer, Chief Judge, performed, in his own motor car, a journey to Chikballapur and back, on the 15th October 1925, for the inspection of the Courts at that station, and the travelling allowance bill for Rs.40/- sent, in that connection to the Comptroller's Office for audit, claiming as usual only road mileage for 80 miles (both ways), under Article 535 (f), Mysore Service Regulations, with the explanation that the journey had to be performed expeditiously in order to save time for Court work, has been unlike on previous occasions, returned for sanction of Government being obtained under Article 596 A., Mysore Service Regulations.

2 I am therefore to request an authoritative interpretation whether Article 596A., Mysore Service Regulations requiring that all claims for mileage for road marches exceeding 50 miles a day should be submitted to Government for orders, applies also to cases covered by clause (f) of Article 535, ibid authorising the Heads of Departments to perform road journeys between places connected by railway and to claim road mileage. If it does, I am to request that the Judges of the Chief Court

may be excepted from the operation of that Article (596 A.), similarly to the Chief Electrical Engineer, in view of the fact that the Judges of the Chief Court do not generally tour except for inspections of subordinate civil and criminal Courts, the need for which has also been repeatedly urged by Government. I am to observe that such inspection tours have to be arranged so as to interfere as little as possible with the ordinary regular sittings of the Chief Court and such journeys have to be performed expeditiously by road.

3. I am to request, that pending consideration of the general question, the present journey by road, viz., to Chickballapur and back, may be sanctioned by Government if it is considered that under the Section it requires such sanction.

I have the honour to be,

S i r,

Your most obedient servant,

13/11/25

R E G I S T R A R.

1MN/2

G. R. S. VI-G-32]

B50—WD 0527

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the *192*

Date of issue 5.12.25

Signed by M.B.S.B

Section

File No.

Serial No.

No. H 3161/

To The Registrar,
Civil Court.

Sir,

With reference to your letter No 6051 A 13-11-25 regarding the road journey performed by the Civil Judge to Chickkanayakanahalli on 6-11-25, I am desired to request you to forward for reference a copy of the Inspector's Inspection statement in the matter.

2) I am also to invite your attention, in this connection, to the Note under Art. 466 M.A.C. — Vol. I, and request that in the provisional bill preferred (sic) therein may kindly

over

Art 466 refers
Salaries- Loc

23687

. CHIEF COURT OF MYSORE

Telegraphic Address. } "JUSTICE

Bangalore, dated 7th December 1925

No. Roc 605

Encl:- One

2201

FROM A. SREENIVASARAGAVACHARI, ESQ., B.,A.,B.L.,
Registrar, Chief Court of Mysore.

To

RAJAKARYAPRASAKTA DEWAN BAHADUR
M. N. KRISHNA RAO, Esq., B.A.,
Financial Secretary to the
Government of Mysore,
Bangalore.

SIR,

With reference to your letter No.Fl.3161 dated the 5th December 1925, I am directed to enclose herein a copy of the Comptroller's objection statement, regarding the Chief Judge's T. A. Bill for the road journey performed to Chikballapur and back in October last.

I have the honour to be,
Sir,
Your most obedient servant,

By order,

for REGISTRAR.

TKV.

1669

6

To be returned with reply.

COMPTROLLER'S OFFICE,

Bangalore, dated 9-11-1925.

Memo No.T.510.

The accompanying bill for October '25 is returned for reason noted below :-

Sd/- M. Krishna Murti,

Assistant Comptroller.

To

Sanction of Government may be obtained under Art. 596.A., M.S.R. for the road march of 80 miles on the 15th.

****

"COPY"

M Srinivasaiyar.

FOR REGISTRAR.

TKV.

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

No 135-25-2

Read--

Letter No.605/25-26 dated 13-11-1925 from the Registrar, Chief Court stating that the T.A. bill of the Chief Judge claiming road mileage under Art 535(f) M.S.R. for the journey performed in his motor car to Chickballapur and back on 15-10-1925 for the inspection of the courts at that station has been returned by the Comptroller for sanction being obtained under Art 596A M.S.R. and requesting (i) an authoritative interpretation as to whether Art 596A M.S.R. also applies to cases covered by clause (f) of Art 535 authorising the heads of Departments to perform road journeys between places connected by railway and claim road mileage and (ii) sanction, in case the said article applies, to the present journey by road and to the judges of the Chief Court being exempted from the operation of the Art 596A M.S.R. as in the case of the Chief Electrical Engineer.

ISSUE & RESUBMIT.

2. Letter No.ROC. 605 dated 7-12-1925 from the Registrar, Chief Court forwarding a copy of the Comptroller's objection statement in the matter.

Order,No. P.3311-12 & 4-1-1926

Dated, Bangalore the

Art 535(f) which authorises certain heads of depts to travel by road between places connected by Railway & claim road mileage does not override the provisions of Art 596A of the M.S.R. which requires sanction of Government to road marches of over 50 miles a day ~~applies to the Judges of the Chief Court also. Sanction is accorded to the present~~ claim of the Chief Judge for road mileage from Bangalore & back for which he asks for sanction.

~~535(f) which authorises the heads of depts to travel by road between places connected by Railway & claim road mileage does not override the provisions of Art 596A of the M.S.R. which requires sanction of Government to road marches of over 50 miles a day applies to the Judges of the Chief Court also. Sanction is accorded to the present~~ The Comptroller was informed in regard to the above

8

(2) In the circumstances I explain ~~to~~ the letter ~~of~~ dated ~~the~~ 29th May I received from the Secy. to Govt. L.L. Depts. a copy of his memorandum dated the 28th May addressed to the Comptroller.

(3) ~~As regards~~ The exemption of the Judges of the Chief Court from the operation of Art 596 A ~~separate orders will issue.~~

~~For~~ Secy. to Govt. L.L. Depts.

28/V

2/VI/14

The Registrar, Chief Court.

The Comptroller to Govt. ~~Thro'~~ "

TD

28/V

9

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read:-

G.O.No.P 3311-12/Cts 135-25-2 dated the 4th January 1926 stating that separate order will issue as regards the exemption of the Judges of the Chief Court from the operation of ~~the~~ Art 596 A of the M.S.R.

Order No. P. 9998-9

Dated Bangalore 16/2/1926.

Government are pleased to direct that the Members of the Executive Council of H.H. the Maharaja and the Judges of the Chief Court of Mysore be exempted from the operation of the rule laid down in Art 596 A, M.S.R. requiring sanction of Govt. for road marches exceeding 50 miles a day.

2. ~~The comptroller will take necessary action to modify~~ M.S.R. will be modified Art 596 A accordingly.

L & L Secy.

To

The Registrar, Chief Court under a C.L.

" Comptroller to Govt. through Fl.Sectt.

Copy to Office Branch.

R.S.